

# HOUSE BILL No. 1376

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 29-1-8-1.

**Synopsis:** Safety deposit boxes. Specifies that a small estate affidavit may be used to require a financial institution holding personal property of a decedent in a safety deposit box to deliver the property to the person claiming to be entitled to delivery of property of the decedent.

**Effective:** July 1, 2000.

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**Smith V**

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January 11, 2000, read first time and referred to Committee on Financial Institutions.

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Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

## HOUSE BILL No. 1376

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A BILL FOR AN ACT to amend the Indiana Code concerning probate.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 29-1-8-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) Forty-five (45) days after the  
3 death of a decedent and upon being presented an affidavit that complies  
4 with subsection (b), a person:  
5 (1) indebted to the decedent; or  
6 (2) having possession of personal property, or an instrument  
7 evidencing a debt, an obligation, a stock, or a chose in action  
8 belonging to the decedent;  
9 shall make payment of the indebtedness or deliver the personal  
10 property or an instrument evidencing a debt, an obligation, a stock, or  
11 a chose in action to a person claiming to be entitled to payment or  
12 delivery of property of the decedent.  
13 (b) The affidavit required by subsection (a) must be an affidavit  
14 made by or on behalf of the claimant stating that:  
15 (1) the value of the gross probate estate, wherever located (less  
16 liens and encumbrances), does not exceed twenty-five thousand  
17 dollars (\$25,000);



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- 1 (2) forty-five (45) days have elapsed since the death of the  
2 decedent;
- 3 (3) no application or petition for the appointment of a personal  
4 representative is pending or has been granted in any jurisdiction;  
5 and
- 6 (4) the claimant is entitled to payment or delivery of the property.
- 7 (c) If a motor vehicle or watercraft (as defined in IC 9-13-2-198.5)  
8 is part of the estate, nothing in this section shall prohibit a transfer of  
9 the certificate of title to the motor vehicle if five (5) days have elapsed  
10 since the death of the decedent and no appointment of a personal  
11 representative is contemplated. A transfer under this subsection shall  
12 be made by the bureau of motor vehicles upon receipt of an affidavit  
13 containing a statement of the conditions required by subsection (b)(1)  
14 and (b)(4). The affidavit must be duly executed by the distributees of  
15 the estate.
- 16 (d) A transfer agent of a security shall change the registered  
17 ownership on the books of a corporation from the decedent to a  
18 claimant upon the presentation of an affidavit as provided in subsection  
19 (a).
- 20 (e) For the purposes of subsection (a), an insurance company that,  
21 by reason of the death of the decedent, becomes obligated to pay a  
22 death benefit to the estate of the decedent is considered a person  
23 indebted to the decedent.
- 24 **(f) For purposes of subsection (a), property in a safe deposit box**  
25 **rented by a decedent from a financial institution organized or**  
26 **reorganized under the law of any state (as defined in**  
27 **IC 28-2-17-19) or the United States is considered personal property**  
28 **belonging to the decedent in the possession of the financial**  
29 **institution.**

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